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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION TWO

In re the Marriage of EILEEN TARVERDIAN
and ROOBIK THOROSSIAN

ROOBIK THOROSSIAN,

Appellant,

v.

EILEEN TARVERDIAN,

Respondent.

B199970

(Los Angeles County
Super. Ct. No. BD462532)

APPEAL from a judgment of the Superior Court of Los Angeles County. Mark A. Juhas, Judge. Affirmed.

Roobik Thorossian, in pro. per., for Appellant.

Eileen Tarverdian, in pro. per., for Respondent.

Roobik Thorossian (appellant) appeals, in propia persona, the denial of his application for a restraining order under the Domestic Violence Prevention Act (Fam. Code, § 6200 et seq.) against his wife, Eileen Tarverdian (respondent). We affirm the judgment.

BACKGROUND

1. The Pleadings

On March 22, 2007, appellant applied for a restraining order requiring respondent to move out of the family residence and to stay at least 100 yards away from appellant and the parties' minor son; granting appellant sole legal and physical custody of their minor son; and prohibiting respondent from harassing or striking appellant or their son. In support of his application, appellant submitted his own declaration and the declarations of his brother, Romik Thorossian (Romik), and another witness named Armen Malekian. In his declaration, appellant stated that on March 17, 2007, between 1:00 and 1:30 p.m., respondent "went into a wild rage," and began screaming obscenities at him, and hitting, slapping, and scratching him. All three declarations stated that respondent took the couple's infant son in his car seat, swung the car seat wildly from side to side, and then threw the car seat and child across a kitchen counter. Appellant's brother prevented the car seat and child from sliding off the kitchen counter and falling to the floor. Appellant stated that he telephoned the police, who subsequently arrested respondent.

Respondent filed an answer supported by her own declaration and the declaration of her sister, Hanriet Tarverdian Hagh Nazar (Hanriet). The declarations of both women attested to appellant's volatile temper and controlling and abusive manner toward respondent over the course of the parties' year and a half marriage. Respondent's declaration further stated that on March 17, 2007, she learned that appellant had planned a party that day for their infant son but had excluded all members of her family from the celebration. When respondent asked appellant why her family had been excluded, he became angry and began verbally abusing her. Respondent then attempted to leave the house with the baby, but appellant and his two brothers prevented her from doing so.

According to respondent, one of appellant's brothers pushed her to the floor, and respondent was unable to defend herself because she was still recovering from an emergency caesarian delivery. Respondent attempted to call 911, but appellant grabbed the phone away from her and said, "not this time, baby, see I got it first and they will believe me, not you." When appellant and his brothers finally let her go, respondent fled to a neighbor's home, where she was subsequently arrested.

2. The Hearing

At the April 12, 2007 hearing, appellant testified that on March 17, 2007, he and respondent were in the kitchen arguing. The argument concerned respondent's family and their exclusion from a party the couple were having that day for their infant son. According to appellant, there was discord between the two families because respondent's sister, Hanriet, had sexually molested the parties' son, and he had thereafter prohibited that sister from entering his family's home.

Appellant testified that respondent began slapping him on his neck, face, and body. Appellant did not hit her back, but did his best to avoid her blows. While respondent was attacking him, she threatened to leave the house with their infant son. To prevent her from doing so, appellant walked to the bedroom, picked up the infant, and carried him down the hall. Respondent continued to hit him and scratch at his back while he carried the infant. Appellant then returned the baby to his crib and went into the kitchen to call 911. While appellant was on the phone with the 911 dispatcher, respondent entered the kitchen with the infant in a portable car seat. Although the child was not properly secured in the car seat, respondent attempted to hit appellant with the car seat, swinging the baby wildly from side to side. Respondent then threw the car seat and baby onto a kitchen counter and proceeded to attack appellant with both of her hands. The car seat, with the baby inside, was about to fall off the kitchen counter, but appellant's brother Romik, who was also in the kitchen, prevented the baby from falling. Appellant's other brother, Rafik Thorossian (Rafik), intervened and attempted to calm respondent down. Respondent then proceeded to hit and scratch Rafik. Appellant was on the telephone with the 911 operator while respondent attacked him and Rafik.

Appellant testified that respondent left the house after she attacked Rafik. Once outside, however, she realized appellant was speaking to a 911 operator and abruptly left the infant in his car seat on the driveway, reentered the kitchen, and proceeded to strike appellant again. Respondent eventually left the house and went to a neighbor's home where the police subsequently arrested her.

Appellant produced several photographs that he said were taken by his brother on March 17, 2007, showing scratches and redness on appellant's neck, face, and back. Appellant testified that he is approximately six feet tall and weighs approximately 230 pounds, and that his brother Rafik is shorter, but heavier.

Appellant's brother Romik testified that he was working outside of appellant's home on March 17, 2007, when he heard respondent screaming and shouting inside the house. He entered the kitchen and saw respondent hitting appellant on his chest, face, and back. Appellant and respondent then both exited the kitchen. Both appellant and respondent returned a short time later, and respondent was carrying the couple's infant son in a car seat. When respondent entered the kitchen, she threw the car seat with the baby inside it onto a kitchen counter. The car seat slid across the counter and was about to fall when Romik caught it. Appellant's other brother, Rafik, was also present in the kitchen at the time. Respondent then took the baby and exited the house. After respondent had left the house, she heard appellant speaking to the police on the phone. She left the baby in the car seat outside, returned to the kitchen, and proceeded to hit appellant again, screaming, "help me," while she was doing so. When Rafik attempted to calm her down, respondent proceeded to hit him, scratch him, and rip his shirt.

Respondent's sister Hanriet testified that she lived in the same home with appellant and respondent from June 2005 to October 2006. She further testified that she did not know that appellant was accusing her of molesting his infant son until two or three days before the hearing. Appellant first confronted her with this accusation when she accompanied respondent to the couple's home after respondent's arrest in order to retrieve respondent's belongings from the home.

Respondent testified that she is five feet, five inches tall and weighs 140 pounds. She said that she gave birth to the couple's son on January 13, 2007, by an emergency caesarian section and that her doctor had restricted her post-partem activities until she was fully healed. Respondent said that she was physically afraid of appellant and denied assaulting him or his brother. She also denied throwing her baby in an unbuckled car seat across the kitchen counter. Respondent further testified that appellant had not accused her sister Hanriet of sexually molesting the couple's child until after March 17, 2007, when Hanriet accompanied respondent to the couple's home to retrieve respondent's belongings.

At the conclusion of the hearing, the trial court stated that it did not find appellant's testimony to be credible: "[A]ny litigant that comes into this courtroom and doesn't tell me the truth receives harsh treatment by me for very good reasons." "[Y]our story, sir is inconsistent. I don't believe you about the child molestation." "[Y]our declaration is inconsistent with what you testified here. I just think you are making it up as you go. I really do." The trial court denied appellant's request for a restraining order, and this appeal followed.

DISCUSSION

I. Standard of Review

We review the trial court's denial of a restraining order under the Domestic Violence Prevention Act for abuse of discretion. (*Gonzalez v. Munoz* (2007) 156 Cal.App.4th 413, 420; see *Quintana v. Guijosa* (2003) 107 Cal.App.4th 1077, 1079.) "The appropriate test for abuse of discretion is whether the trial court exceeded the bounds of reason. When two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court. [Citations.]" (*Shamblin v. Brattain* (1988) 44 Cal.3d 474, 478-479.) In addition, we defer to the trial court's fact-finding authority, including the credibility of witnesses, and view the facts in the light most favorable to the judgment. (*Salazar v. Eastin* (1995) 9 Cal.4th 836, 849-850.)

II. No Abuse of Discretion

In this case, the trial court denied appellant's request for a restraining order because it did not find his testimony to be credible. We must defer to the trial court's factual findings, including its determination concerning the credibility of the witnesses. The denial of appellant's request for a restraining order was not an abuse of discretion.

DISPOSITION

The judgment is affirmed. Respondent is awarded her costs on appeal.

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_____, J.
CHAVEZ

We concur:

_____, P. J.
BOREN

_____, J.
DOI TODD